

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In re Heparin Products Liability Litigation,

Case No. 1:08-hc-60000

MDL 1953

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ORDER

Charles Reddy,

Plaintiff

v.

1:09-hc-60128

Baxter Healthcare Corp., et al.,

Defendants

Pending is a motion by a non-party, Kindred Nursing Centers East LLC, to quash a subpoena calling for production of records relating to its heparin. (Doc. 242). Plaintiff has filed an opposition to the motion. (Doc. 294).<sup>1</sup>

I agree with plaintiff that acquisition of records of the sort being sought is critical to his ability to maintain his suit.

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<sup>1</sup> The motion has been decisional since July 28, 2010. Due to oversight on the part of the undersigned, I neglected to review and rule on it sooner. I regret the resulting inconvenience to counsel and the parties.

To limit the impact of complying with the subpoena, the period covered by the request shall be limited to records relating to heparin acquired on or after September 1, 2007, unless counsel for plaintiff can, either informally in discussion with counsel for movant, or, if needed, through a request to the undersigned for informal resolution of any dispute, show cause why records relating to earlier acquisition of heparin are necessary. I do not intend permanently to exclude the possibility of requiring such production, but, based on my understanding of the factual basis for plaintiff's claims, they relate to heparin, if any, acquired from any defendant after September 1, 2007, at the earliest.

The limitation provisionally imposed herein should moderate somewhat the burdensomeness and expense of movant's compliance, which shall occur, unless counsel for the parties agree otherwise, or movant requests a modest amount of additional time for compliance, on or before October 15, 2010.

It is, therefore,

ORDERED THAT the pending motion to quash (Doc. 242) be, and the same hereby is denied as provided herein, without prejudice.

So ordered.

s/James G. Carr  
United States District Judge